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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,640	05/13/2008	Gregor Esser	100341.58126US	3282

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EXAMINER	
STULTZ, JESSICA T	
ART UNIT	PAPER NUMBER
2873	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,640	ESSER ET AL.	
	Examiner	Art Unit	
	JESSICA T. STULTZ	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilino US 4,784,482, herein referred to as Guilino '482, in view of Bettiol et al US 4,279,480, herein referred to as Bettiol '480.

Regarding claim 14, Guilino '482 discloses a spectacle lens (Abstract, Figure 1-2) having object-sided front face (Figure 1) and an eye- sided rear face (4) that comprises a viewing region (focal section 1) which contributes to the optical effect of the spectacle lens (Column 3, lines 24-48 and Column 4, lines 33-54, wherein the viewing region 1 comprises regions N, F, Z that effect the optical power of the lens, Figures 1-2), and a carrier rim region (3) which surrounds at least partially the viewing region and which does not significantly contribute to the optical effect of the spectacle lens (Column 3, lines 18-23 and Column 4, lines 33-54), wherein the rear face in

the carrier rim region is constructed substantially based on desired cosmetic properties, without consideration of optical image-forming properties (Column 4, lines 33-54, wherein the thickness of the rim zone 3 is uniform and does not have optical image-forming properties, Figures 1-2), but does not specifically disclose that both the viewing region and carrier rim region are formed on the rear surface of the lens. In the same field of endeavor of spectacle lenses for ophthalmic correction (Abstract and Column 2, line 25-Column 3, line 14), Bettiol '480 teaches of a spectacle lens (Figures 1-7) having an viewing region (spherical or toric region, Column 2, lines 40-42) and carrier rim region (peripheral rim, Figures 1-7) on the rear face of the lens (Column 3, line 45-Column 4, line 53) as is well known in the art. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Bettiol '480 with the lens of Guilino '482 for the purpose of reducing astigmatism, distortion and curvature of field and to reduce the weight of the lens (Column 2, line 25-Column 3, line 14 and Column 3, line 45-Column 4, line 53).

Regarding claim 15, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and it is inherent from Guilino '482 further discloses that the viewing region (1) is separated from the carrier rim region (3) on the rear face of the spectacle lens by a dividing curve (Figures 1-2) that connects penetrating points of outermost peripheral rays to the rear face, said outermost peripheral rays just barely passing, under direct vision, through a point of rotation of the eye when the spectacle lens is in a use position in front of an eye (Column 3, lines the disclosure of the focal region 1 located interiorly of the rim zone 3, which would mean that the zones are divided by a line separating the inner rays from the peripheral rays).

Regarding claim 16, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and it is inherent from Guilino '482 further discloses that the viewing region (1) is separated from the carrier rim region (3) on the rear face of the spectacle lens by a dividing curve (Figures 1-2) that connects the penetrating points of outermost peripheral rays to the rear face, and said outermost peripheral rays just barely pass, under indirect vision, through the center of the entrance pupil of the eye (Column 3, lines the disclosure of the focal region 1 located interiorly of the rim zone 3, which would mean that the zones are divided by a line separating the inner rays, i.e. that pass through the entrance pupil of the eye, from the peripheral rays).

Regarding claim 17, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the spectacle lens exhibits at least one of a positive, negative, progressive, astigmatic and prismatic optical power (Column 3, lines 24-48 and Column 4, lines 25-32).

Regarding claim 18, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the rear face in the carrier rim region is constructed to consider at least one of a frame shape and a frame design (Column 3, lines 18-23, wherein the rim zone 3 is constructed to have constant thickness and would inherently be placed in a desired frame).

Regarding claim 19, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the rear face in the carrier rim region is constructed to consider individual parameters of the spectacle wearer (Column 4, lines 11-54, wherein surfaces are optimized to be designed as desired by the user).

Regarding claim 20, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the rear face is designed so that the rear face of the carrier rim region is joined in at least once, preferably in a twice continuously, differentiable manner to the rear face in the viewing region (Column 3, lines 24-48, Shown in Figures 1-2).

Regarding claim 21, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the rear face in the carrier rim region is constructed to reduce at least one of an edge thickness, edge thickness variation and center thickness of the spectacle lens (Column 3, lines 18-23, wherein the rim zone 3 is constructed to have constant thickness, Figures 1-2).

Regarding claim 22, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that the rear face in the carrier rim region is configured to reduce volume and mass of the entire spectacle lens (Column 3, lines 18-23, wherein the rim zone 3 is constructed to have constant thickness thinner than the rest of the lens which would inherently reduce the volume/mass of the lens, Figures 1-2).

Regarding claim 23, Guilino '482 discloses a method for producing a spectacle lens (Abstract, Figures 1-2) with an object-sided front face (Figure 1) and an eye-sided rear face (4) having a viewing region that contributes to the optical effect of the spectacle lens (Column 3, lines 24-48 and Column 4, lines 33-54, wherein the viewing region 1 comprises regions N, F, Z that effect the optical power of the lens, Figures 1-2), and a carrier rim region (3) that at least partially surrounds the viewing region and does not significantly contribute to the optical effect of the spectacle lens (Column 3, lines 18-23 and Column 4, lines 33-54), comprising carrying out

at least one of a calculation and optimization of the rear face in the carrier rim region carried out essentially from cosmetic viewpoints without considering the optical image-forming properties (Column 4, lines 11-54, wherein the thickness of the rim zone 3 is calculated and optimized to be uniform and does not have optical image-forming properties, Figures 1-2), but does not specifically disclose that both the viewing region and carrier rim region are formed on the rear surface of the lens. In the same field of endeavor of spectacle lenses for ophthalmic correction (Abstract and Column 2, line 25-Column 3, line 14), Bettiol '480 teaches of a spectacle lens (Figures 1-7) having an viewing region (spherical or toric region, Column 2, lines 40-42) and carrier rim region (peripheral rim, Figures 1-7) on the rear face of the lens (Column 3, line 45-Column 4, line 53) as is well known in the art. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Bettiol '480 with the lens of Guilino '482 for the purpose of reducing astigmatism, distortion and curvature of field and to reduce the weight of the lens (Column 2, line 25-Column 3, line 14 and Column 3, line 45-Column 4, line 53).

Regarding claim 24, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and it is inherent from Guilino '482 further discloses that the at least one of calculation and optimization comprises calculation of a dividing curve (Figures 1-2) on the rear face (4) between the viewing region (1) and the carrier rim region (3) in a curve shape that connects penetrating points of outermost peripheral rays to the rear face, said outermost peripheral rays just barely passing, under direct vision, through a point of rotation of the eye when the spectacle lens is in a use position in front of the eye of a spectacle wearer (Column 3,

lines the disclosure of the focal region 1 located interiorly of the rim zone 3, which would mean that the zones are divided by a line separating the inner rays from the peripheral rays).

Regarding claim 25, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and it is inherent from Guilino '482 further that the viewing region is separated from the carrier rim region on the rear face of the spectacle lens by a dividing curve (Figures 1-2) that connects the penetrating points of outermost peripheral rays to the rear face, and said outermost peripheral rays just barely pass, under indirect vision, through the center of the entrance pupil of the eye (Column 3, lines the disclosure of the focal region 1 located interiorly of the rim zone 3, which would mean that the zones are divided by a line separating the inner rays from the peripheral rays).

Regarding claim 26, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that at least one of calculation and optimization takes place so that at least one of the frame shape and design is taken into consideration (Column 3, lines 18-23, wherein the rim zone 3 is constructed to have constant thickness and would inherently be placed in a desired frame).

Regarding claim 27, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses at least one calculation and optimization takes place so that the individual parameters of the spectacle wearer are taken into consideration (Column 4, lines 11-54, wherein surfaces are optimized to be designed as desired by the user).

Regarding claim 28, Guilino '482 and Bettiol '480 disclose and teach of a spectacle lens as shown above and Guilino '482 further discloses that at least one calculation and optimization takes place so that the rear face in the carrier rim region is joined in a at least once, preferably in

a twice, continuously, differentiable manner to the rear face in the viewing segment (Column 3, lines 24-48, Shown in Figures 1-2).

Response to Arguments

Applicant's arguments with respect to claims 14-28 have been considered but are moot in view of the new ground(s) of rejection as shown above.

Applicant's arguments filed June 16, 2010, with respect to claims 15 and 24 have been fully considered but they are not persuasive. Specifically, applicant argues that Guilino '482 does not disclose a (complex) dividing curve, however, the examiner disagrees since it is not claimed that the dividing curve of Guilino '482 inherently satisfies the limitations of claims 15 and 24 as shown in the above rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Legerton US 2010/0039620 is being cited as further proof that it is well known in the art of ophthalmic lenses for optical correction and peripheral carrier rims to be formed on the rear surface of the lens.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA T. STULTZ whose telephone number is (571)272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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